

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

INTEREST RATE SWAPS ANTITRUST  
LITIGATION.

16-MD-2704 (JPO)

ORDER NO. 79

*This Document Relates to All Actions*

J. PAUL OETKEN, District Judge:

Following the January 10, 2024 telephone conference, a minute entry was docketed stating that “[a]ll the deadlines are stayed until 30 days after the Second Circuit decides class plaintiffs’ Rule 23(f) petition.” This language was entered in error, as the Court reserved decision during the telephone conference on Plaintiffs’ requested stay. The Court now issues this order to specify the relevant deadlines. This order supersedes that minute entry.

The deadlines in the scheduling order related to expert discovery (*see* ECF No. 394 ¶ 8) that are currently defined in relation to this Court’s decision on class certification will now be calculated from (a) the Second Circuit’s decision on Class Plaintiffs’ Rule 23(f) petition, or (b) April 13, 2024, whichever is later. In other words, all expert discovery shall be completed no later than eight and one-half (8.5) months from the Second Circuit’s decision on Class Plaintiffs’ Rule 23(f) petition to permit an immediate appeal, or eight and one-half (8.5) months from April 13, 2024, whichever is later; and Plaintiffs shall serve expert reports on Defendants no later than sixty (60) days from the Second Circuit’s decision on Class Plaintiffs’ Rule 23(f) petition, or sixty (60) days from April 13, 2024, whichever is later. **This Order supersedes the minute entry for the January 10, 2024 telephone conference.**

All subsequent deadlines will remain as specified in the Scheduling Order, including the deadlines related to motions and applications (*id.* ¶ 9) and the Final Pretrial Order (*id.* ¶ 11). The

parties shall be required to file a letter requesting a pre-motion conference prior to the filing of motions for summary judgment notwithstanding this Court's Individual Rules.

As discussed during the telephone conference on January 10, 2024, the parties are directed to submit filings in accordance with the following schedule:

- On or before January 31, 2024, Class Plaintiffs are directed to file a letter brief addressing whether the Court should grant Class Plaintiffs leave to file a motion to certify class litigation of an issue pursuant to Rule 23(c)(4). In that letter brief, Class Plaintiffs may also address whether the Court should, in light of the Court's denial of class certification, grant the motion at ECF No. 977 to preliminarily approve the settlement agreement between Plaintiffs and Credit Suisse.
- On or before January 31, 2024, Platform Plaintiffs are directed to file a letter brief specifying the details of any request to bifurcate the proceedings related to liability and damages and the reasons for such bifurcation.
- On or before February 21, 2024, Defendants are directed to file a letter brief responding to both Class Plaintiffs' and Platform Plaintiffs' letter briefs.

The Clerk of Court is directed to enter this order on ECF in 16-MD-2704 as well as in all member and related cases.

SO ORDERED.

Dated: January 12, 2024  
New York, New York



J. PAUL OETKEN  
United States District Judge